

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
<i>ex rel.</i> <b>THOMAS REED SIMMONS,</b>	)	
	)	<b>Civil Case No. 3:11-CV-00439</b>
<b>Plaintiff–Relator,</b>	)	
	)	<b>Judge Campbell</b>
<b>v.</b>	)	
	)	<b>Magistrate Judge Knowles</b>
<b>MERIDIAN SURGICAL PARTNERS, LLC,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	

**[PROPOSED] CASE MANAGEMENT ORDER**

Pursuant to Local Rules 16.01(d), Plaintiff–Relator Thomas Reed Simmons (“Relator”) and Defendants Meridian Surgical Partners, LLC, Meridian Surgical Partners – Florida II, LLC, MS Holding Co., Inc., and Treasure Coast Surgery Center, LLC (“Defendants” and, collectively, the “Parties”) respectfully submit the following Proposed Case Management Order.

**I. Jurisdiction and Venue**

Jurisdiction and venue are addressed in the Initial Case Management Order entered in this case on February 19, 2013 (Docket No. 52).

**II. Plaintiff–Relator’s Theory of the Case**

Plaintiff–Relator’s theory of the case is provided in the Initial Case Management Order (*Id.* at 2).

### **III. Defendants' Theory of the Case**

Defendants' theory of the case is provided in the Initial Case Management Order (*Id.* at 3).

### **IV. Identification of Issues**

All matters except jurisdiction and venue are disputed.

### **V. Trial Date**

This case is set for a jury trial on May 6, 2014, beginning at 9:00 a.m. (Docket No. 67). The trial is expected to last five to seven days. The succeeding deadlines are consistent with the trial date.

### **VI. Initial Disclosures**

The parties will exchange initial disclosures required by Fed. R. Civ. P. 26(a) no later than 14 days after entry of this Case Management Order.

### **VII. Staging and Timing of Discovery**

The following deadlines are established:

- a. All fact discovery must be completed by October 18, 2013. No motions concerning discovery can be filed until after the Parties have conferred in good faith and are unable to resolve their differences.

The deadline for filing discovery-related motions regarding fact discovery is October 25, 2013.

- b. Relator will disclose his expert witnesses, if any, in accordance with Fed. R. Civ. P. 26(a)(2)(B) by September 27, 2013.
- c. Defendant shall disclose its expert witnesses, if any, in accordance with Fed. R. Civ. P. 26(a)(2)(B) by October 11, 2013.

d. The Parties will depose all expert witnesses by November 8, 2013.

**VIII. Motions to Amend**

Any motion to amend the pleadings or join additional parties will be filed by August 12, 2013.

**IX. Dispositive Motions**

The deadline for filing all dispositive motions is December 6, 2013. Responses are due by January 6, 2014, or within 30 days after filing of a dispositive motion. Replies, if any, are due by January 21, 2014, or within 14 days after any response is filed.

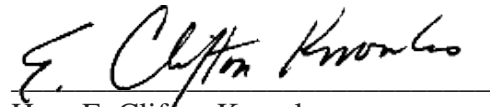
**X. Alternative Dispute Resolution**

The Parties are discussing a potential mediation or settlement conference.

**XI. Consent to Trial before the Magistrate Judge**

The Parties do not consent.

It is so ORDERED:

A handwritten signature in black ink, reading "E. Clifton Knowles", is written over a horizontal line.

Hon. E. Clifton Knowles  
United States Magistrate Judge